

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IVYMEDIA CORPORATION,

Plaintiff,

v.

TAKE TOUR, INC., et al.

Defendants.

Civil Action No. 12-11535-NMG

REPORT AND RECOMMENDATION ON ALAN ZOU'S MOTION TO DISMISS

(Docket No. 14)

July 9, 2013

Boal, M.J.

Plaintiff IvyMedia Corporation ("IvyMedia") filed suit against defendants Take Tour, Inc., Alan Zou and John Doe alleging unfair competition, cybersquatting, false advertising, unfair and deceptive trade practices, and trademark infringement. Defendant Alan Zou has moved to dismiss the claims against him for lack of personal jurisdiction, improper venue, and failure to state a claim. Docket No. 14.¹ For the following reasons, this Court recommends to the District Judge assigned to this case that he deny the motion.

I. PROCEDURAL BACKGROUND

IvyMedia filed its complaint on August 17, 2012. Docket No. 1. IvyMedia also filed motions for a temporary restraining order and a preliminary injunction. Docket Nos. 2, 3. On

¹ On October 3, 2012, the District Court referred Zou's motion to dismiss to the undersigned for a report and recommendation. Docket No. 22.

*Report and Recommendation accepted and
adopted. J/M Gordon, USDJ 9/16/13*